## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:10-CT-3209-D

WILLIS BENNETT,		)	
	Plaintiff,	)	
v.		)	ORDER
		ý	
MR. WILLIS, et al.,		(	
	Defendants.	)	

On November 24, 2010, Willis Bennett ("Bennett" or "plaintiff"), a federal inmate appearing pro se, filed this complaint seeking relief pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) [D.E. 1]. Bennett seeks leave to proceed in forma pauperis [D.E. 2]. Bennett names sixteen defendants. On June 6, 2011, the court found that Bennett failed to comply with prior orders of Magistrate Judge Webb concerning the form of his complaint and in forma pauperis application, and his failure to submit a sufficient number of copies of his complaint for service, and directed Bennett to "comply with the prior orders in their entirety" by June 26, 2011, or face dismissal of the action without prejudice [D.E. 12]. The court also denied plaintiff's motion for appointment of counsel. Id.

On June 27, 2011, Bennett filed a motion to dismiss this action without prejudice, on the ground that his "current health problems will not allow him to continue litigating the factual and legal claims presented within his complaint" and he "needs the guiding hand of a licensed and skilled attorney to represent him" [D.E. 13].

A plaintiff may dismiss an action voluntarily, without an order of the court, by filing a notice

of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). No defendant has filed an answer or a motion for summary judgment. Thus, the court will allow the voluntary dismissal.

Bennett's motion for dismissal without prejudice [D.E. 13] is ALLOWED. The Clerk of Court is DIRECTED to close this case.

SO ORDERED. This 18 day of July 2011.

JAMES C. DEVER III

United States District Judge